

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

09/14/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 05-00046JMS

CASE NAME: United States of America Vs. (01) Moses Sandoval, Jr.

ATTYS FOR PLA: Beverly Wee Sameshima

ATTYS FOR DEFT: Alan Fenster and Local Counsel-Rustum Barbee

INTERPRETER:

JUDGE: J. Michael Seabright

REPORTER: Sharon Ross

DATE: 09/14/2006

TIME: 9:14am-10:10am

COURT ACTION: EP: As to Defendant (01) Moses Sandoval, Jr.-Sentencing as to Count 1 of the Indictment and Government's Motion for Downward Departure-Defendant present in Custody.

Court Accepts the Plea Agreement.

The Court Adopts the presentence investigation report.

Government's Motion for Downward Departure-(9:30am-9:37am)-is hereby Granted.

Defendant Addresses the Court.

Sentence as to Count 1 of the Indictment-

Imprisonment-144 Months

Court Recommendation-

1. Prison Facility in Southern California which offers the 500 hour Comprehensive Drug Program.
2. Vocational/Educational Programs.

Mittimus Forthwith.

Supervised Release-5 Years

Special Conditions of Supervised Release-

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 15 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No Fine.

Special Assessment-\$100.00.

Government's Oral Motion to Dismiss Count 2 of the Indictment-is hereby Granted.

Defendant advised of his right to appeal.

Submitted by Leslie L. Sai, Courtroom Manager